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WASHINGTON, D.C. 20007-5109
202.672.5300 TEL
202.672.5399 FAX
foley.com

December 9, 2010

VIA HAND DELIVERY

Mr. Christopher Huey, Esq.
Acting General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 6430 – Steve Daines, Respondent

Dear Mr. Hughey:

Please find enclosed the Statement of Designation of Counsel, designating the undersigned to represent the Respondent, Steve Daines, in the above-referenced Matter Under Review ("MUR"). The Complaint in this MUR must be dismissed for the reason that the facts alleged are incorrect and at all times relevant to the Complaint, there was no federal candidate, campaign or committee in existence. Accordingly, the Commission lacks jurisdiction pursuant to 2 U.S.C. §431 *et seq.*, the Federal Election Campaign Act of 1971, as amended ("the Act") to investigate the Respondent.

Respondent announced on November 13, 2010 his candidacy for the United States Senate seat from Montana. On November 15, 2010, Respondent sent via overnight delivery his Statement of Candidacy and Statement of Organization for the principal authorized committee of his campaign, Steve Daines for Montana. The FEC Form 2 was process by the Senate Office of Public Records on November 17, 2010. See Exhibit 1, FEC Form 2, Statement of Candidacy. The Statement of Organization of Steve Daines for Montana, establishing the principal authorized committee, was also processed by the Senate Office of Public Records on November 17, 2010. See Exhibit 2, Form 1, Statement of Organization of Steve Daines for Montana.

Respondent had no testing the waters account nor did he engage in 'testing the waters' activities as that term is defined by the Federal Election Commission ("the Commission") at 11 C.F.R. §100.72. There were no funds received for the purpose of determining whether Mr. Daines should become a candidate for federal office. See Exhibit 3, Affidavit of Steve Daines.

During the past three (3) years, Mr. Daines has been a citizen leader in Montana in numerous public roles: In 2007, he lead the fight to return Montana's surplus funds to the taxpayers ([see www.GiveItBack.com](http://www.GiveItBack.com)), which propelled him to the forefront of political leadership in Montana. See Exhibit 4, Open Letter from Steve Daines from GiveItBack.com website.

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WRITER'S DIRECT LINE
202.295.4081
cmitchell@foley.com EMAIL

CLIENT/MATTER NUMBER
999100-0130

RECEIVED
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OFFICE OF GENERAL
COUNSEL
2010 DEC 10 PM 3:31

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FOLEY & LARDNER LLP

Mr. Christopher Hughey, Esq.

December 9, 2010

Page 2

Thereafter, Mr. Daines has been a sought after speaker at local tea party rallies and GOP events across the state of Montana. See Exhibit 5. In 2008, Mr. Daines was the Republican nominee for Lieutenant Governor for Montana. See Exhibit 6. As a result of Mr. Daines high-profile and conservative views, the Complainant herein, the Montana Democratic Party, has repeatedly sought to silence and intimidate Mr. Daines, which has filed multiple complaints against Mr. Daines, to-wit:

See Exhibit 7, Montana Democratic Party Complaint filed May 29, 2007

See Exhibit 8, Montana Democratic Party Amended Complaint filed June 7, 2007

See Exhibit 9, Letter of Dismissal issued by Montana Offices of Political Practices dated June 25, 2007

See Exhibit 10, Montana Democratic Party Amended Complaint filed February 25, 2008

See Exhibit 11, Montana Democratic Party Amended Complaint filed March 4, 2008

Then, of course, there is the complaint in this action filed on November 12, 2010. In other words, this is a pattern of harassment against Mr. Daines by Complainant and its agents. All complaints allege exactly the same thing: Mr. Daines, by virtue of his involvement with spearheading grassroots efforts on issues of interest to Montana citizens, must *somehow* be violating *some* provision of state or federal law.

No violation of law has been found from any of the earlier complaints and this complaint is likewise frivolous and should be dismissed. NOTE: Mr. Daines filed a response to the last complaint filed by the Montana Democratic Party pointing out the false allegations and spurious nature of the complaint(s) and no further proceedings have occurred in almost three (3) years and no additional communications have been received by Mr. Daines from MOPP.

In the present case, the facts are identical: the Montana Democratic Party seeks to invoke the jurisdiction of the Federal Election Commission ("the Commission") over an individual who was not a federal candidate during the relevant time period referenced in the Complaint. Curiously, the individual who signed and filed the Complaint was terminated by the Montana Democratic Party within a few days after his filing of the Complaint. See Exhibit 12, Article from Montana Watchdog blog, November 15, 2010.

Mr. Daines has been a public figure in Montana for several years, speaking out as a conservative leader in the state, as evidenced by the Montana Democratic Party's yeoman efforts to silence him.

He did not trigger federal candidate status until November 17, 2010, the date within four (4) days of his formal announcement of candidacy. Mr. Daines has fully complied with federal law and the regulations of the Commission for commencing his candidacy by his filings of the required Form 1 and Form 2 with the Senate Office of Public Records.



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Mr. Christopher Hughey, Esq.

December 9, 2010

Page 3

The radio advertising referenced in the Complaint, sponsored by Common Sense Montana, a project of Common Sense Issues, ended in February 2010 – nine months *prior* to Mr. Daines' becoming a federal candidate. The advertising occurred during a *different election cycle* and there is *no* authority or jurisdiction vested in the Commission to investigate such communications or parties making the communications.

Respondent did *not* engage in any 'testing the waters' phase activities during the time period preceding his candidacy and he did not raise or spend \$5,000 in furtherance of his candidacy prior to his filing a Statement of Candidacy and Statement of Organization of the Steve Daines for Montana committee.

There are no factual or legal grounds upon which to investigate the allegations of the Complaint and the Commission utterly lacks jurisdiction to do so. By responding to the allegations of the Complaint to advise the Commission of the absence of facts constituting jurisdiction to proceed, Mr. Daines does not waive his objections to jurisdiction in this Matter.

For all of the above and foregoing reasons, the complaint is groundless and should be dismissed.

Please contact me at (202) 295-4081 if you have additional questions. Thank you.

Sincerely,

Cleta Mitchell, Esq., Counsel
Steve Daines, Respondent

cc: Mr. Steve Daines



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer.
FAX (202) 219-9923

MUR # 6430

NAME OF COUNSEL: Cleta Mitchell, Esq.

FIRM: Foley & Lardner LLP

ADDRESS: 3000 K Street, NW, Suite 600, Washington, DC 20007

TELEPHONE- OFFICE (202) 295-4081

FAX (202) 672-5399

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/1/10
Date

Steve Daines
Respondent/Agent Signature

An Individual
Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: Steve Daines

MAILING ADDRESS: _____
(Please Print)

Bozeman, MT 59715

TELEPHONE- HOME () _____

BUSINESS (406) 522-2906

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Rev. 2008

11044303246

11044303247

EXHIBIT 1

FEC FORM 2 STATEMENT OF CANDIDACY

SECRETARY OF THE SENATE

16 NOV 17 AM 11:25

1. Name of Candidate (in full) Steven Daines		2. Identification Number
(b) Address (number and street) 519 Oxford Drive		3. Is This Statement <input checked="" type="checkbox"/> New <input type="checkbox"/> Amended (A)
(c) City, State, and ZIP Code Bozeman, MT 59708		
4. Party Affiliation Republican	5. Office Sought United States Senate	6. State & District of Candidate Montana

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2012 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) Steve Daines for Montana
(b) Address (number and street) PO Box 1588
(c) City, State, and ZIP Code Helena, MT 59624

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(excluding Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)
(b) Address (number and street)
(c) City, State, and ZIP Code

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate 	Date 11/12/2010
---	--------------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.

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FEC FORM 2 (prev. version)

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10010073424

11044303249

Post Office
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See also our website
at www.usps.gov

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at www.usps.gov

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Federal Express

11/12/2010

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From: GLENDA HALL (408) 444-1133
LAWSON
SPECIAL REQUESTS
400 NORTH CALIFORNIA
MELBURN, CA 91351



Ship Date: 11/12/2010
Tracking ID:
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SHIP TO: 000 224-0022
ILLINOIS
Secretary of the Senate
Senate Office of Public Records
322 Hart Senate Office Building
Washington, DC 20510

Washington, DC 20510

Address / Del

U.S. SENATE
TRACKING NUMBER
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The World On Time

NANCY ERICKSON
SECRETARY

DANA R. MCCALLUM
SUPERVISOR

U.S. SENATE OFFICE BUILDING
SUITE 322
WASHINGTON, DC 20510-7115
PHONE: (202) 514-6222

United States Senate

OFFICE OF THE SECRETARY

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Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL ☐

USPS EXPRESS MAIL _____
Postmark

OVERNIGHT DELIVERY SERVICE:

SHIPPING DATE

NEXT BUSINESS DAY DELIVERY

FEDERAL EXPRESS 11-12-10 ☐

UPS _____ ☐

DHL _____ ☐

AIRBORNE EXPRESS _____ ☐

RECEIVED FROM FEDERAL ELECTION COMMISSION _____

Date of Receipt

POSTMARK ILLEGIBLE ☐ NO POSTMARK ☐

FAX _____
Date of Receipt

OTHER _____
Date of Receipt or Postmark

PREPARER

DH

DATE PREPARED

11-17-10

11044303250

10020073725

11044303251



10020873464



11044303252

EXHIBIT 2

FEC
FORM 1

STATEMENT OF
ORGANIZATION

SECRETARY OF THE SENATE
10 NOV 17 AM 11:50

Office Use Only

1. NAME OF
COMMITTEE (in full)

☐

(Check if name
is changed)

Example: If typing, type
over the lines.

12724X5

Steve Daines for Montana

ADDRESS (number and street)

PO Box 1598

☐

(Check if address
is changed)

Helena

MT

59624

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

☐

(Check if address
is changed)

lorna@mt.net

COMMITTEE'S WEB PAGE ADDRESS (URL)

☐

(Check if address
is changed)

2. DATE

11 12 2010

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

☒

NEW (N)

OR

☐

AMENDED (A)

I certify that I have executed this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Lorna Kuney

Signature of Treasurer

Date

11 12 2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.
ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9630
Local 202-694-1100

FEC FORM 1
(Revised 02/2009)

11044303253

10020973465

FEC Form 1 (Revised 02/2003)

Page 2

5. TYPE OF COMMITTEE

Candidate Committee:

(a) ☒ This committee is a principal campaign committee. (Complete the candidate information below.)

(b) ☐ This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate _____

Candidate Party Affiliation _____ Office Sought: ☐ House ☐ Senate ☐ President State ☐ District ☐

(c) ☐ This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

(d) ☐ This committee is a _____ (National, State or subordinate) committee of the _____ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

(e) ☐ This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:

☐ Corporation ☐ Corporation with Capital Stock ☐ Labor Organization
☐ Membership Organization ☐ Trade Association ☐ Cooperative

☐ In addition, this committee is a Lobbyist/Registrant PAC.

(f) ☐ This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., unconnected committee)

☐ In addition, this committee is a Lobbyist/Registrant PAC.

☐ In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

(g) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.

(h) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1. _____ FEC ID number ☐ C
2. _____ FEC ID number ☐ C
3. _____ FEC ID number ☐ C
4. _____ FEC ID number ☐ C

11044303254

11044303254

Page 3

Steve Daines for Montana

ZIP CODE

Loma Kune

400 North California

Helena

INT:

159601

ZIP CODE

408

1-1442

2, 1-6583

Lorna Kuşey

400 North California

Helena

IMT

159601

ZIP CODE

Telephone number

1406

1-442

2, 1-16693

ਉਸਦੀ ਮੁਲਾਜ਼ਮਤ

FEC Form 1 (Revised 02/2008)

Page 4

Full Name of
Designated
Agent

Mailing Address

Title or Position

Telephone number

2. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Valley Bank
Mailing Address 3030 North Montana Ave
Helena MT 59601
CITY STATE ZIP CODE

Name of Bank, Depository, etc.

Mailing Address
CITY STATE ZIP CODE

11044303256

10020973471

11044303257

18020873472

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222 Hart Senate Office Building
Washington, DC 20510

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Postmark

USPS PRIORITY MAIL _____
Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL. ☐

USPS EXPRESS MAIL _____
Postmark

OVERNIGHT DELIVERY SERVICE:

SHIPPING DATE

NEXT BUSINESS DAY DELIVERY

FEDERAL EXPRESS

11-12-10

☐

UPS

☐

DHL

☐

AIRBORNE EXPRESS

☐

RECEIVED FROM FEDERAL ELECTION COMMISSION

Date of Receipt

POSTMARK ILLEGIBLE ☐

NO POSTMARK ☐

FAX

Date of Receipt

OTHER

Date of Receipt or Postmark

PREPARER

DH

DATE PREPARED

11-17-10

11044303258

10020011475



11044303259

18090973374

11044303260

EXHIBIT 4

HOME

RADIO ADS

SIGN UP

CONTRIBUTE

ACTION

4/30/07

Thank you for the many kind words, and overwhelming response, in support of this effort that is just over a week old. You represent every community in this state. If I placed a push-pin for each of you who signed up, on a Montana map, it would blanket the state!

The calls and emails you placed to our leaders in Helena made a difference. Your voice has been heard! To recap:

1. Montana is running its largest surplus in history - one billion dollars.
2. Montana's surplus is the largest in the nation, as a percentage of what it spends.
3. Montana state government spending is projected to increase -50% from the 2003 session, to the 2007 session, despite a population growth rate of only 1%/year.
4. Montana's Governor and Legislature did not come to an agreement, and will be called back to a budgeting Special Session for the first time that anyone in Helena can recall.

Like you, I'm ~~greatly~~ disappointed that our leaders in Helena could not come to a budgeting agreement before time ran out. The voices of the politicians have been heard. Now the politicians need to hear the voice of the people. It is time to regroup and ensure the voices of overcharged Montana taxpayers are heard.

I must admit I had to chuckle when I read yesterday's Billings Gazette (4/29/07), and noted that our governor is now saying "give it back". He said, "I have proposed to give it back, I have proposed to give more money back to the taxpayers than any other governor in the history of the state, and in 90 days they couldn't get it done." Only problem with that statement is he's proposing to only return between 100-150 million dollars of your billion dollar surplus. Growing up in Montana, I was taught that "somebody who says they'll meet you in the middle, is usually a poor judge of distance". I think we need our leaders in Helena to understand what meet-me-in-the-middle means.

We will continue to bring our voice of reason and common sense to the debate - give half the surplus - 500 million dollars - back to the people who earned it - \$1,000 to every Montanan who paid income tax. Meet us in the middle. Let the people decide how they want to spend their money.

Thanks again for signing up, and joining Montanans from across the state who are saying "give it back". Please forward the link www.giveitback.com to your friends and neighbors across the state, and keep the momentum building.

Sincerely,



Steve Daines
Bozeman, MT

GiveItBack.com P.O. Box 10250 Bozeman, MT 59719

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11044303262

EXHIBIT 5


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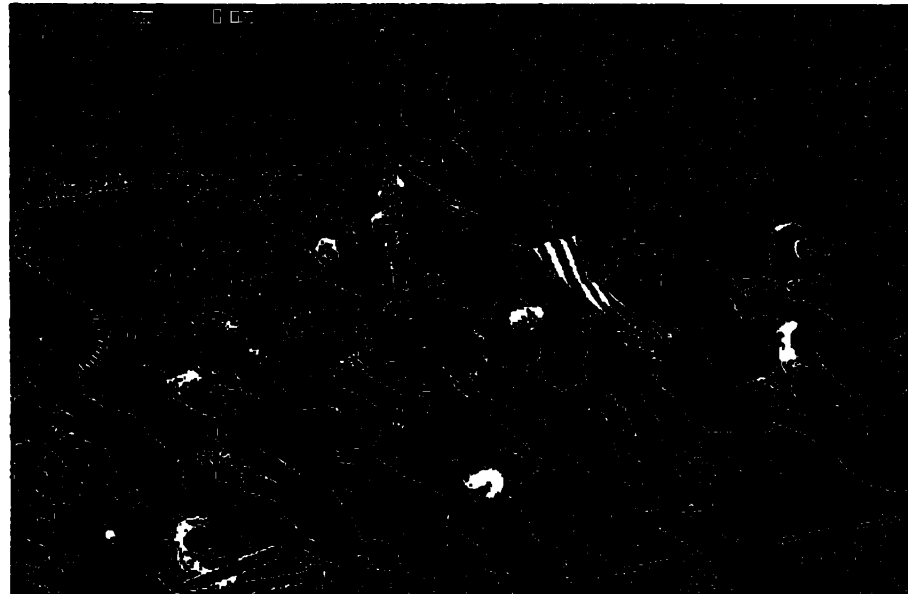
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Home

TEA PARTY PROTESTS THROUGHOUT STATE DRAW HUNDREDS

Featured Stories



By Michael Noyes and Phil Drake
Montana Policy Institute

Tea Party rallies statewide Thursday brought repeated choruses demanding change at every level of government, warning lawmakers to rein in spending, oppose the new health-care plan and to strictly adhere to the Constitution.

"If you can't make them see the light make them feel the heat," proclaimed a sign held by one protester on the lawn at the base of the steps leading up to the state Capitol in Helena.

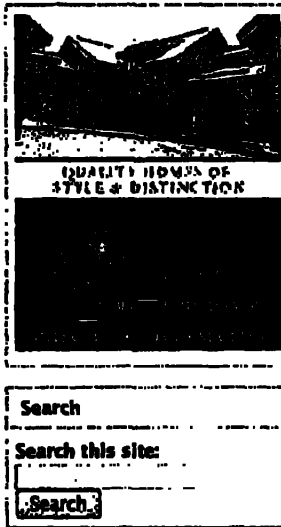
"We're not Republicans, we're not Democrats," Jay Anderson of the Big Sky Tea Party told about 250 people gathered for the Tax Day protest that ran for more than two hours. "The Tea Party has a 1-year history and we want to be heard."

It was one of hundreds of Tax Day protests nationwide, organized by the Tea Party movement.

In Helena, people held signs proclaiming: "The inmates are running the Asylum" and "You can't help the poor by destroying the rich."

A highlight was a Montana-style reenactment of the Boston Tea Party of 1773, in which colonists protesting a tax on tea dumped the tea into Boston Harbor.

In the Helena version, people wrote their grievances against government on a cardboard box and then stomped the boxes flat on the sidewalk. Some spoke against welfare, the new health-care plan passed by Congress, higher taxes and increased government spending.



Among those at the event was Elaine Baner.

"The taxes are horrible," the 68-year-old Montana City resident said as she clutched a protest sign. "We have to pay taxes on Social Security, our property taxes are going higher and higher, and there's Obamacare. I am frightened."

She said she was not a Tea Party member - yet.

"I am going to join today."



In Bozeman, around 500 attended the Tea Party event, according to Henry Kriegel who helped organize the protest.

The group initially gathered on the lawn of the Bozeman Public Library and marched several blocks to the Gallatin County Courthouse where several speakers addressed the crowd. In addition to the speeches, the event featured a symbolic "budget cutting ceremony" where a participant used a chainsaw to cut a log back to pre-George W. Bush spending levels as a cardboard cutout of John Wayne looked on.

Speakers were critical of spending by both Presidents George W. Bush and Barack Obama. Scott Sales, the Republican leader in the state House of Representatives, read a laundry list of taxes the government collects. He told the audience government doesn't need more revenue.

"The problem is we have too much spending," Sales said. "It's time we made a change."

In Bozeman, one woman carried the iconic campaign poster of Obama through the crowd in a mocking protest. When asked about the Tea Party she gave a thumbs down but declined comment.

As the event in Bozeman wrapped up, Tea Party organizers in Great Falls were readying for a rally at the Civic Center at 4:30 p.m. Jack Lien, who helped organize the event in Great Falls said they were hoping for at least as many participants this year as the 500 to 600 who attended last year.

"We're getting more interest this year," Lien said. "People are starting to pay attention, and they're not liking the out of control government..."

At the Helena event Montana businessman Steve Daines drew an audible gasp from the crowd when he said Washington, D.C. insiders told him that McCain's tax cuts were more liberal than Massachusetts' cuts. He called for a return to conservative principles.

"We must win this battle no matter how long it takes and how hard it might be," Daines, the Republican nominee for lieutenant governor in 2008, said.

The Helena event also served as a campaign rally as several candidates seeking office in November rallied the crowd to support them.

"I'm not a politician, I'm not great at speaking, but I am willing to stand up for the people," said Kristi Allen-Gallagher, who is running for House District seat 82.

Off to the side of the rally stood Dave Gallik, a Democrat running for senate District seat 40.

Gallik had a sign that read "Coffee Counter" tacked onto a table. He invited folks to come over for a jolt of free coffee and an earful of the other side.

"There's one side of the story," Gallik said. "But there's also the other side."

He said he was to ask the protesters what government services they would want cut if decreases had to be made.

"Would you let people out of prison?" he asked.

Tea Party officials said they had asked Gallik if he wanted to address the rally, but he declined. Several candidates for various offices also addressed the Tea Party even in Bozeman.


One of the highlights of the Helena protest included a telephone call from Tim Ravndal, a Big Sky Tea Party member who attended the rally in Bozeman.

"You guys keep rocking the Capitol steps," he said. "We'll do the same here."

The Tea Party movement may trace its roots to CNBC's "Squawk Box" show on Feb. 19, 2009, when financial news analyst Rick Santelli criticized President Obama for what Santelli claimed was unfairness for his \$75 billion housing bailout proposal. He said the plan promoted "bad behavior." Santelli said he was thinking of having a tea party in Chicago that July to protest.

In late March, a USA Today/Gallup poll found that little more than 25 percent of Americans say they are supporters of the Tea Party movement.

Login or register to post comments




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BEFORE AFTER

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11044303266

EXHIBIT 6

[illegible]

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EXHIBIT 7

THE STATE OF MONTANA

HAND DELIVERED

COMMISSIONER OF POLITICAL PRACTICES
1205 Fifth Avenue
Post Office Box 202401
Helena, MT 59620-2401
TELEPHONE: 406-444-2942
FAX NUMBER: 406-444-1643

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COMMISSIONER OF
POLITICAL PRACTICES

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CAMPAIGN FINANCE AND PRACTICES

COMPLAINT FORM (07/01)

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR VERIFICATION SIGNATURE

PERSON BRINGING COMPLAINT (COMPLAINANT):

COMPLETE NAME JIM FARRELL, MONTANA DEMOCRATIC PARTY
COMPLETE MAILING ADDRESS P.O. BOX 802
HELENA, MT 59624
TELEPHONE NUMBERS: WORK 406.442.9520 HOME [REDACTED]

PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT):

COMPLETE NAME STEVE DAINES, BINEITBACK.COM
COMPLETE MAILING ADDRESS PO BOX 10250
BOZEMAN, MT 59719
TELEPHONE NUMBERS: WORK _____ HOME _____

PLEASE COMPLETE THE SECOND PAGE OF THIS FORM AND DESCRIBE IN
DETAIL THE FACTS OF THE ALLEGED VIOLATION.

STATE OF MONTANA, COUNTY OF LEWIS + CLARK

I, JIM FARRELL, being duly sworn, state that the information in this
Complaint is complete, true, and correct, to the best of my knowledge and belief.

(SEAL)

Dennis L. Rhine
Notary Public for the State of MT
Residing at Helena, Montana
My Commission Expires March 8, 2009

My Commission Expires:

[Signature]

Signature of Complainant

Subscribed and sworn to before me this 29th day of

MAY, 2007
[Signature]

Notary Public

**CAMPAIGN FINANCE AND PRACTICES
COMPLAINT FORM**

PAGE 2

STATEMENT OF FACTS:

I am filing a complaint against Steve Daines, the principal sponsor of *GiveItBack.com* [P.O. Box 10250 Bozeman, MT 59719, according to his website]. Mr. Daines appears to have violated both the campaign finance laws and possibly the lobbying laws and regulations of the State of Montana.

1. According to news stories in authoritative media sources such as the *New York Times*, Steve Daines appears to be a Republican candidate for Governor of Montana:

"Going for Governor? Schweitzer is another story, however, Daines said. "I think Gov. Schweitzer will be vulnerable because Montanans view it's more about him than about serving Montanans," he told CQPolitics.com.

"While Daines said he had "no definitive plans on getting involved in the race in '08," he is the force behind the "Give It Back" campaign that called on the governor to turn half of a \$1 billion budget surplus over to Montanans in the form of refunds.

"It just seemed like the voice of our politicians was being heard loud and clear, but the voice of our average Montanans wasn't being heard," Daines said of the budget process." [New York Times, May 18, 2007]

As a possible candidate for Governor, Steve Daines has used *GiveItBack.com* illegally to campaign against Governor Brian Schweitzer with negative attack ads on television and radio, which were aired in Montana during the past 2 months. The ads may be viewed on Mr. Daines' website.

2. If Mr. Daines is going to be a Republican candidate for Governor of Montana, he should speak openly and honestly about that fact, and not illegally conceal his donors. If the activities of *GiveItBack.com* were of an electoral nature or intent, Mr. Daines is required by law to disclose the sources of the money received by *GiveItBack.com* that were used to run television and radio attack ads against Brian Schweitzer, the Democratic candidate for Governor in 2008. Unlike Mr. Daines, candidate Gov. Brian Schweitzer discloses all sources of his campaign funds. Mr. Daines now appears to be hiding behind technicalities to keep the sources of *GiveItBack.com*'s contributions secret. Mr. Daines should file a campaign committee for Governor and comply with the campaign disclosure laws of

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PAGE 3

Montana, and also reveal who paid for *GiveItBack.com*'s attack ads against candidate Brian Schweitzer.


There are additional reasons to believe Steve Daines is acting as a Republican candidate for Governor. A prominent Republican activist, Mr. Daines in the 2006 election cycle donated \$2,000 to U.S. Sen. Conrad Burns' campaign, \$750 to U.S. Rep. Danny Rehberg's campaign and \$750 to the Republican National Committee. He also gave \$100 to Republican House Speaker Scott Sales' campaign and \$520 to other Gallatin County Republican legislative candidates.

3. If Mr. Daines was lobbying on behalf of interested parties in Montana by having *GiveItBack.com* run television and radio ads advocating on uses of the State's fund balance, the lobbying laws of Montana require him to register as a lobbyist in the State of Montana, which he did not, and also to disclose the source of the funds used to pay for the lobbying ads, which he also did not.

4. There is an additional difficult question of whether Steve Daines violated Montana laws which regulate coordination of campaign activities between candidates for State office and separate and independent committees. Mr. Daines appears to be the *GiveItBack.com* committee alone, according to his website. But as a borderline or future candidate for office, Mr. Daines would have illegally coordinated campaign activities between himself as a candidate and himself as a non-candidate who is the *GiveItBack.com* committee when he ran the television and radio ads in question. If Mr. Daines later becomes a candidate for Governor in 2008, all of the current activities of *GiveItBack.com* will have been coordinated with candidate Steve Daines, with an eye to his future candidacy. These questions raise the real prospect that Steve Daines now is engaged in illegal and deceptive coordination regulated by State campaign laws.

Montana citizens demand that their candidates for public office are straightforward and honest. Steve Daines is not playing it straight with his use of *GiveItBack.com* to advance his ambitions for high office, and he appears to be violating important laws of our State in doing so.

Jim Farrell
Executive Director
Montana Democratic Party
PO Box 802, Helena MT 59624

 5.28.07
Signature Date

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RADIO SCRIPT of GiveItBack.com 2007

Man: Hi we're here to see the Governor.

Woman: Yes Sir. My, there are a lot of you.

Man: We're Montana's taxpayers. Need to talk to Governor Schweitzer about getting our money back.

Woman: Back?

Man: Yeah, he's overcharging us. Over a billion dollars! (Groan.)

Other man: MT taxpayers are still being over-charged more than one billion dollars that's a couple thousand dollars per taxpayer. But you probably won't get it back without asking. So tell gov. Schweitzer to give it back.

Woman: Sir the Governor plans to give some of THAT back.

Man: He does?

Woman: Sure, almost 10 cents on the dollar.

Man: Ooooh. Hey guys just like we though. The governor plans to keep most of our money. Aw wouldn't you know it.

Other Man: Helena will decide in then next ten days what it will do with your tax over-charge. If you want more of it back in your pocket, act right away., call your representatives in Helena right away. Go to give it back.com to learn how to get your money back. Take action today.

Paid for by Give it Back.com

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May 18, 2007

Montana GOP Still Searching for Candidates as Fighting Words Fly

By Marie Horgan, CONGRESSIONAL QUARTERLY

It's not that Montana Republicans have lost their fight after recent setbacks at the polls, including Democrat Brian Schweitzer's win for governor in 2004 and Jon Tester's 2006 victory over Republican Sen. Conrad Burns. The state legislature's recently completed effort to fashion a hard-wrought budget compromise was marked by a prelude and widely aired verbal attack on the governor by the Republican leader of the state House.

Nonetheless, for a conservative-leaning and usually Republican-voting state that in 2004 gave 59 percent of its votes to President Bush, Republicans appear to be struggling to find a viable candidate to challenge veteran Democratic Sen. Max Baucus.

In fact, Republican Michael Lange, then majority leader of the Montana House, was considered a top contender to challenge five-term Democratic Sen. Max Baucus — until he went off on Schweitzer in a tirade that quickly made its way onto the Internet.

The incident took place on April 25 about an hour after Lange met with Schweitzer to discuss the budget. "I'm pissed off at that S.O.B. on the second floor that thinks he is going to run this state like a dictator," he told his GOP colleagues in a room that also was occupied by reporters and a television camera.

"My message to the governor is stick it up your a—," he fumed.

Lange later apologized to the governor and to his colleagues, but the Republican caucus in Montana's House ousted Lange as majority leader Tuesday after the special session to complete the budget was adjourned.

Lange previously had gained consideration to take on Baucus because the Republicans' top potential recruit, four-term-at-large Rep. Denny Rehberg, is said to be resisting GOP efforts to draft him into the race.

Rehberg ran a strong Senate race against Baucus in 1996, losing by just 5 percentage points, but would sacrifice the political security he has built up since in Montana's only House seat next year were he to stage a risky challenge to Baucus.

Though Montana's sizable Republican base makes it hard to describe Baucus as automatically safe, his seat does not appear a ripe target for Republicans looking for a pickup. Baucus became chairman of the prominent Senate Finance Committee in January in the newly Democratic-controlled 110th Congress.

His profile as a centrist Democrat, which has long given him cross-party appeal in Montana, was evident in his decision to prioritize renewal of presidential "fast-track" negotiating authority for trade agreements a top

priority for the Finance Committee.

This did not sit well with many Democratic and labor union activists who view free trade agreements with skepticism if not downright opposition. The progressive political action committee Working for Us ran radio ads on 13 radio stations in Montana denigrating Baucus for his support of "fast-track" authority. When Baucus, by mid-April, reversed his opinion about proceeding on the issue, saying there was no immediate need to address it, Working for Us declared victory.

Nonetheless, Baucus currently appears to be in a comfortable position as he prepares for his re-election campaign. Though Montana Republican Committee Executive Director Chris Wilcox said the party has "a lot of optimism" regarding the Senate race, at least two other Republicans whose names have been floated as potential candidates told CQPolitics.com they are not interested.

One is ~~trillionaire~~ ~~billionaire~~ and part-time Montana rancher Timmons Siebel, who has done extensive philanthropic work in the state. Siebel told CQPolitics.com he had heard the rumors, but that he was not looking at challenging Baucus.

Offering the same view was Steve Daines, a vice president with RightNow Technologies at the company's headquarters in Bozeman. Daines described Baucus as a friend and said the senator's long tenure together with his top spot on Finance would make it "very, very difficult" for a Republican to beat him in 2008.

• **Going for Governor?** Schweitzer is another story, however, Daines said. "I think Gov. Schweitzer will be vulnerable because Montanans view it's more about him than about serving Montanans," he told CQPolitics.com.

While Daines said he had "no definitive plans on getting involved in the races in '08," he is the force behind the "Give it Back" campaign that called on the governor to turn half of a \$1 billion budget surplus over to Montanans in the form of refunds.

"It just seemed like the voice of our politicians was being heard loud and clear, but the voice of our average Montanans wasn't being heard," Daines said of the budget process.

The current budget agreement, which includes a \$400-per-household rebate, would return about \$100 million from a \$1 billion surplus. That is not enough, Daines said, adding, "That's like Bill Gates writing a \$100 check to a homeless shelter and feeling good about it."

Daines isn't the only Republican eyeing the governor's race. Former Montana Senate Majority Leader Bob Keenan also is said to be considering a run after a 2006 campaign in which he challenged incumbent senator Burns for the Republican nomination. Burns won the June primary with an overwhelming 72 percent of the vote, but was narrowly defeated by Tester in the general election.

The governor's race, though, doesn't look much easier for the GOP. Schweitzer, a farmer and rancher with a folksy image, challenged Burns for the Senate as a political newcomer in 2000 and almost scored an upset, setting him up for his victorious 2004 run for governor. He has generally enjoyed strong job approval ratings since.

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• **Democrats at Large.** Democrats, meanwhile, say they intend to back a serious run at Rehberg's House seat next year. One Democrats has stepped into the race so far: Yellowstone County Commissioner Bill Kennedy in April filed to challenge Rehberg. Kennedy's resume includes a bid for secretary of state in 2004 that was unsuccessful but gave him some statewide exposure.

Other candidates are still mulling the race, Farrell said.

But Rehberg comes to the 2008 contest with strong fundraising numbers behind him. The congressman raised \$82,000 in the first quarter of 2007 and had \$300,000 on hand as of April 1, according to his filing with the Federal Election Commission.

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HOME

RADIO ADS

SIGN UP

CONTRIBUTE

ACTION

ABOUT US



Steve & Cindy Daines

Listen to our radio ad
"Visit to the Governor"

Listen to our radio ad
Clip from Steve's appearance on
David Berg's syndicated radio talk
show, 'Voice of Montana', 4/18/07

Dear Fellow Montanan,

GiveItBack.com was founded after watching the never-ending debate in Helena regarding the question – "What should be done with a budget surplus of \$1 billion?" – the largest in the history of our state. We are proposing a simple proposition that anyone can understand – It's our money, give it back!

As a 5th generation Montanan, a father of four, and businessman from Bozeman, I was taught that if a customer is overcharged, two guiding principles should be used in response:

1. Apologize to the customer.
2. Give the customer their money back.

Former Montana Governor Marc Rabbitt once said, "When the taxpayer is overcharged, the people of Montana didn't tell the state to keep the change."

The taxpayers in Montana are being overcharged one billion dollars – ~\$500 million is already "in the bank", and an additional ~\$500 million is projected in the next two years. We seek to bring a voice of reason, and common sense dialog to address this issue, and propose that much of the money should be returned to Montana taxpayers. To spend most of the surplus, as our Governor and leaders in Helena have proposed, is not only short-sighted, but fiscally irresponsible.

What should we do?

First we propose that EVERY Montana income tax filer receive a check for \$1,000. This would return the current on-hand surplus of ~\$500 million dollars, and leave money to spare. Second, we propose that Montanans call their leaders in Helena, and tell them how they want the remaining ~\$500 million dollars used...how much and where to invest in additional State services? How much returned to taxpayers? You decide.

Please join the growing number of Montanans saying, "GiveItBack". Sign-up on this website, and then send a message to our elected officials. Our public servants must not forget where this surplus originated – with the hard-working people of Montana.

Sincerely,

Steve Daines
Bozeman

GiveItBack.com P.O. Box 10260 Bozeman, MT 59710

HOME

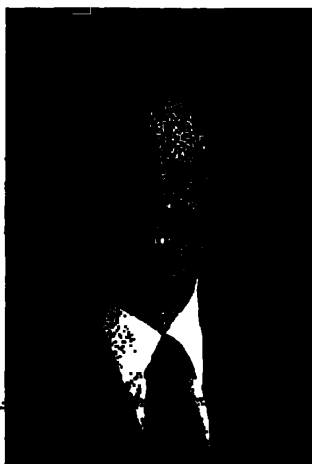
RADIO ADS

SIGN UP

CONTRIBUTE

ACTION

ABOUT US



Steve Daines

About Steve Daines

Steve is a fifth generation Montanan, and grew up in Bozeman, where his father and mother ran a home construction business. Steve attended public schools in Bozeman from kindergarten through high school, and graduated from Bozeman High in 1980. Upon graduation from high school, he attended Montana State University in Bozeman, and graduated with Highest Honors with a B.S. Degree in Chemical Engineering in 1984.

Immediately following graduation from MSU, Steve left Montana to work for Procter & Gamble. During his management career at P&G, he spent seven years managing operations in the United States, followed by a six year assignment in Hong Kong and mainland China leading the business expansion in China. After 13 great years with P&G, Steve and Cindy decided it was time to come back home to Montana. Steve worked along side his dad in the family construction business in Bozeman for the next three years.

In 2000 Steve joined RightNow Technologies, and has served the past seven years as Vice President at their global headquarters location in Hingham. The company employs approximately 700 people, and is the second largest private employer in Bozeman. RightNow Technologies, Inc. provides organizations with next generation on demand Customer Relationship Management (CRM) solutions to build customer-focused businesses. More than 1,800 organizations worldwide use RightNow solutions including British Airways, Cisco, Intuit, American Express, Continental Tire, John Deere, Nikon, Department of Homeland Security, and the Social Security Administration. RightNow has global offices in London, Sydney, Tokyo, Munich, as well as North America offices in San Francisco, Dallas, Chicago, Washington D.C. and Princeton. RightNow is a publicly held company, and was one of Morgan Stanley's top performing IPO's in 2000.

Steve enjoys spending time with his wife Cindy of 20 years, and their four children David (17), Anne (15), Michael (12), and Caroline (10). Cindy has a B.A. Degree in Elementary Education from the University of Iowa, and taught first grade in the public schools for several years. Backpacking, hunting, skiing, and fishing are all family passions! All four of their children attend public schools in Bozeman.

HOME

RADIO ADS

SIGN UP

CONTRIBUTE

ACTION

ABOUT US

Action**The Surplus Facts - General Fund Balance***

The State of Montana will have approximately \$530 million leftover-- "in the bank"-- in June 2007, projected to grow an additional \$459 million in the next two years, to nearly \$1 billion dollars by June 2009.

June 30, 2006 \$400 million (increase of 40.5% over 6/30/05 balance)

June 30, 2007 \$530 million

June 30, 2008 \$724 million

June 30, 2009 \$989 million

Steps to take:

1. **Sign up to get involved:**
2. Pass along the GiveItBack.com website to everyone you know in Montana;
3. Call your MT Senator, MT Representative: 406-444-3064 and the Governor: 406-444-3111
 1. Tell them you have been overcharged ~\$500 million for services delivered the past two years, and want your money back ~\$1,000+ for every person who filed a MT tax return.
 2. Tell them what you would like them to do with the additional ~\$500 million surplus projected to occur over the next two years.

How much to invest in additional State services? How much to return to you? You decide... but let them know!

Governor phone: 406-444-3111

Legislature phone: 406-444-3064

*Source: Legislative Budget Analysis 2009 Biennium, Submitted by the State of MT Legislative Fiscal Division, December 2006

GiveItBack.com P.O. Box 10268 Bozeman, MT 59719

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EXHIBIT 8

THE STATE OF MONTANA

COMMISSIONER OF POLITICAL PRACTICES
1208 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
TELEPHONE: 406-444-2942
FAX NUMBER: 406-444-1643

FOR OFFICE USE ONLY

RECEIVED
COMMISSIONER OF
POLITICAL PRACTICES

2007 JUN -7 P 11:23
HAND DELIVERED ☒
CERTIFIED MAIL ☐
SIGNED/NOTARIZED ☐

CAMPAIGN FINANCE AND PRACTICES

COMPLAINT FORM (07/01)

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR VERIFICATION SIGNATURE

PERSON BRINGING COMPLAINT (COMPLAINANT):

COMPLETE NAME JIM FARRELL, MONTANA DEMOCRATIC PARTY
COMPLETE MAILING ADDRESS P.O. BOX 802
HELENA, MT 59624
TELEPHONE NUMBERS: WORK 406.442.9520 HOME [REDACTED]

PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT):

COMPLETE NAME STEVE DAINES, GIVEITBACK.COM
COMPLETE MAILING ADDRESS PO BOX 10250
BOZEMAN, MT 59719
TELEPHONE NUMBERS: WORK _____ HOME _____

PLEASE COMPLETE THE SECOND PAGE OF THIS FORM AND DESCRIBE IN
DETAIL THE FACTS OF THE ALLEGED VIOLATION.

VERIFICATION BY OATH OR AFFIRMATION

STATE OF MONTANA, COUNTY OF LEWIS + CLARK

I, JIM FARRELL, being duly sworn, state that the information in this
Complaint is complete, true, and correct, to the best of my knowledge and belief.

(SEAL)

Dennis L. Rhine
Notary Public for the State of MT
Residing at Helena, Montana
My Commission Expires March 8, 2009

[Signature]
Signature of Complainant

Subscribed and sworn to before me this 29th day of

JUNE, 2007

[Signature]
Notary Public

My Commission Expires:

4/7/07

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**CAMPAIGN FINANCE AND PRACTICES
COMPLAINT FORM**

PAGE 2

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I am filing a complaint against Steve Daines, the principal sponsor of *GiveItBack.com* [P.O. Box 10250 Bozeman, MT 59719, according to his website]. Mr. Daines appears to have violated both the campaign finance laws and possibly the lobbying laws and regulations of the State of Montana.

1. Steve Daines appears to be in violation of the general spirit and purpose of Montana's campaign laws which regulate candidates for statewide office.

According to news stories in authoritative media sources such as the *New York Times*, Steve Daines appears to be a Republican candidate for Governor of Montana:

"Going for Governor? Schweitzer is another story, however, Daines said. "I think Gov. Schweitzer will be vulnerable because Montanans view it's more about him than about serving Montanans," he told CQPolitics.com.

"While Daines said he had "no definitive plans on getting involved in the races in '08," he is the force behind the "Give It Back" campaign that called on the governor to turn half of a \$1 billion budget surplus over to Montanans in the form of refunds.

"It just seemed like the voice of our politicians was being heard loud and clear, but the voice of our average Montanans wasn't being heard," Daines said of the budget process." [New York Times, May 18, 2007]

As a possible candidate for Governor, Steve Daines has used *GiveItBack.com* illegally to campaign against Governor Brian Schweitzer with negative attack ads on television and radio, which were aired in Montana during the past 2 months. The ads may be viewed on Mr. Daines' website.

2. Steve Daines violated 13-37-229, MCA, 13-37-216, MCA, and 13-37-225, MCA, which regulates disclosure of contributions received, limitations on contributions, and reporting of contributions and expenditures.

Mr. Daines also violated ARM 44.10.321, Subsection (3). The fact that the public office being sought by the individual is not known by the contributor or has

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PAGE 3

not yet been determined by the potential candidate at the time that the contribution is made or the fact that a candidate and/or issue being supported or opposed by a political committee is not known by the contributor or has not yet been determined by a political committee at the time that the contribution is made has no effect on the determination or reporting of that contribution. (History: Sec. 13-37-114, MCA; IMP, Sec. 13-1-101(3), MCA; NEW, Eff. 1/1/76; AMD, Eff. 5/7/76; AMD, 1979 MAR p. 652, Eff. 7/1/79; AMD, 1999 MAR p. 2287, Eff. 10/8/99; AMD, 2001 MAR p. 2049, Eff. 10/12/01.)

If Mr. Daines is going to be a Republican candidate for Governor of Montana, he should speak openly and honestly about that fact, and not illegally conceal his donors. If the activities of *GiveItBack.com* were of an electoral nature or intent, Mr. Daines is required by law to disclose the sources of the money received by *GiveItBack.com* that were used to run television and radio attack ads against Brian Schweitzer, the Democratic candidate for Governor in 2008. Unlike Mr. Daines, candidate Gov. Brian Schweitzer discloses all sources of his campaign funds. Mr. Daines now appears to be hiding behind technicalities to keep the sources of *GiveItBack.com*'s contributions secret. Mr. Daines should file a campaign committee for Governor and comply with the campaign disclosure laws of

Montana, and also reveal who paid for *GiveItBack.com*'s attack ads against candidate Brian Schweitzer.

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3. Steve Daines and *GiveItBack.com* violated 5-7-102 (11) (a), MCA and 5-7-301, MCA, which regulates "Lobbying" and the reporting requirements of a "Lobbyist".

If Mr. Daines was lobbying on behalf of interested parties in Montana by having *GiveItBack.com* run television and radio ads advocating on uses of the State's fund balance, the lobbying laws of Montana require him to register as a lobbyist in the State of Montana, which he did not, and also to disclose the source of the funds used to pay for the lobbying ads, which he also did not.

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PAGE 4

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Montana Democratic Party
PO Box 802, Helena MT 59624

Signature

 6.7.07
Date

11044303283

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The New York Times
nytimes.com

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5/29/2007 5:00 PM

May 18, 2007

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By Marie Horgan, CONGRESSIONAL QUARTERLY

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The current budget agreement, which includes a \$400-per-household rebate, would return about \$100 million from a \$1 billion surplus. That is not enough, Daines said, adding, "That's like Bill Gates writing a \$100 check to a homeless shelter and feeling good about it."

Daines isn't the only Republican eyeing the governor's race. Former Montana Senate Majority Leader Bob Keenan also is said to be considering a run after a 2006 campaign in which he challenged incumbent senator Burns for the Republican nomination. Burns won the June primary with an overwhelming 72 percent of the vote, but was narrowly defeated by Tester in the general election.

The governor's race, though, doesn't look much easier for the GOP. Schweitzer, a farmer and rancher with a folksy image, challenged Burns for the Senate as a political newcomer in 2000 and almost scored an upset, setting him up for his victorious 2004 run for governor. He has generally enjoyed strong job approval ratings since.

• **Democrats at Large.** Democrats, meanwhile, say they intend to back a serious run at Rehberg's House seat next year. One Democrat has stepped into the race so far: Yellowstone County Commissioner Bill Kennedy in April filed to challenge Rehberg. Kennedy's resume includes a bid for secretary of state in 2004 that was unsuccessful but gave him some statewide exposure.

Other candidates are still mulling the race, Farrell said.

But Rehberg comes to the 2008 contest with strong fundraising numbers behind him. The congressman raised \$82,000 in the first quarter of 2007 and had \$300,000 on hand as of April 1, according to his filing with the Federal Election Commission.

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RADIO ADS

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ACTION

ABOUT US



Steve & Cindy Daines

Listen to our radio ad
"Visit to the Governor"

Listen to our radio ad
Clip from Steve's appearance on
David Berg's syndicated radio talk
show, 'Voice of Montana', 4/19/07

Dear Fellow Montanan,

GiveItBack.com was founded after watching the never-ending debate in Helena regarding the question -- "What should be done with a budget surplus of \$1 billion?" -- the largest in the history of our state. We are proposing a simple proposition that anyone can understand -- It's our money, give it back!

As a 5th generation Montanan, a father of four, and businessman from Bozeman, I was taught that if a customer is overcharged, two guiding principles should be used in response:

1. Apologize to the customer.
2. Give the customer their money back.

Former Montana Governor Marc Racicot once said, "When the taxpayer is overcharged, the people of Montana didn't tell the state to keep the change."

The taxpayers in Montana are being overcharged one billion dollars -- ~\$500 million is already "in the bank", and an additional ~\$500 million is projected in the next two years. We seek to bring a voice of reason, and common sense dialog to address this issue, and propose that much of the money should be returned to Montana taxpayers. To spend most of the surplus, as our Governor and leaders in Helena have proposed, is not only short-sighted, but fiscally irresponsible.

What should we do?

First, we propose that EVERY Montana income tax filer receive a check for \$1,000. This would return the current on-hand surplus of ~\$500 million dollars, and leave money to spare. Second, we propose that Montanans call their leaders in Helena, and tell them how they want the remaining ~\$500 million dollars used...how much and where to invest in additional State services? How much returned to taxpayers? You decide.

Please join the growing number of Montanans saying, "GiveItBack". Sign-up on this website, and then send a message to our elected officials. Our public servants must not forget where this surplus originated -- with the hard-working people of Montana.

Sincerely,

Steve Daines
Bozeman

GiveItBack.com P.O. Box 10260 Bozeman, MT 59719

HOME

RADIO ADS

SIGN UP

CONTRIBUTE

ACTION

ABOUT US



Steve Daines

About Steve Daines

Steve is a fifth generation Montanan, and grew up in Bozeman, where his father and mother ran a home construction business. Steve attended public schools in Bozeman from kindergarten through high school, and graduated from Bozeman High in 1980. Upon graduation from high school, he attended Montana State University in Bozeman, and graduated with Highest Honors with a B.S. Degree in Chemical Engineering in 1984.

Immediately following graduation from MSU, Steve left Montana to work for Procter & Gamble. During his management career at P&G, he spent seven years managing operations in the United States, followed by a six year assignment in Hong Kong and mainland China leading the business expansion in China. After 13 great years with P&G, Steve and Cindy decided it was time to come back home to Montana. Steve worked along side his dad in the family construction business in Bozeman for the next three years.

In 2000 Steve joined RightNow Technologies, and has served the past seven years as Vice President of their global headquarters location in Bozeman. The company employs approximately 700 people, and is the second largest private employer in Bozeman. RightNow Technologies, Inc. provides organizations with next generation on demand Customer Relationship Management (CRM) solutions to build customer-focused businesses. More than 1,800 organizations worldwide use RightNow solutions including British Airways, Cisco, Intuit, American Express, Continental Tire, John Deere, Nikon, Department of Homeland Security, and the Social Security Administration. RightNow has global offices in London, Sydney, Tokyo, Munich, as well as North American offices in San Francisco, Dallas, Cottage, Washington D.C. and Princeton. RightNow is a publicly held company, and was one of Morgan Stanley's top performing IPO's in 2004.

Steve enjoys spending time with his wife Cindy of 20 years, and their four children David (17), Anne (15), Michael (12), and Caroline (10). Cindy has a B.A. Degree in Elementary Education from the University of Iowa, and taught first grade in the public schools for several years. Backpacking, hunting, skiing, and fishing are all family passions! All four of their children attend public schools in Bozeman.

GiveItBack.com P.O. Box 19841 Helena, MT 59719

HOME

RADIO ADS

SIGN UP

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ABOUT US

Action

The Surplus Facts - General Fund Balance*

The State of Montana will have approximately \$530 million leftover-- "In the bank"-- in June 2007, projected to grow an additional \$459 million in the next two years, to nearly \$1 billion dollars by June 2009.

June 30, 2006 \$409 million (increase of 40.6% over 6/30/05 balance)

June 30, 2007 \$530 million

June 30, 2008 \$724 million

June 30, 2009 \$989 million

Steps to take:

1. Sign up to get involved:
2. Pass along the GiveItBack.com website to everyone you know in Montana;
3. Call your MT Senator, MT Representative: 406-444-3064 and the Governor: 406-444-3111
 1. Tell them you have been overcharged ~\$500 million for services delivered the past two years, and want your money back ~\$1,000+ for every person who filed a MT tax return.
 2. Tell them what you would like them to do with the additional ~\$500 million surplus projected to occur over the next two years.

How much to invest in additional State services? How much to return to you? You decide... but let them know!

Governor phone: 406-444-3111

Legislature phone: 406-444-3064

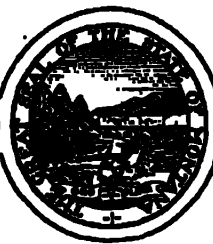
*Source: Legislative Budget Analysis 2009 Biennium, Submitted by the State of MT Legislative Fiscal Division, December 2008

GiveItBack.com P.O. Box 16280 Bozeman, MT 59719

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EXHIBIT 9

COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

DENNIS UNSWORTH
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643

1205 EIGHTH AVENUE
PO BOX 282401
HELENA, MONTANA 59620-2401
www.politicalpractices.mt.gov

 COPY

June 25, 2007

Jim Farrell, Montana Democratic Party
PO Box 802
Helena MT 59624

Subject: Your revised complaint (June 7, 2007) against Steve Daines/GiveItBack.com

Jim, even with the additional information provided, this complaint remains too speculative and too indefinite to be valid under Montana's rules.

A complaint must allege that specific conduct (substantive factual allegations) described in the complaint violate a specific statute or rules. Administrative Rules of Montana 44.10.307(8). An investigation is not required if the complaint is indefinite. ARM 44.10.307(3)(a).

A handwritten signature in black ink, appearing to read "Dennis Unsworth".

Dennis Unsworth
Commissioner of Political Practices

Copy: Steve Daines/GiveItBack.com

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EXHIBIT 10



PO Box 802, Helena, Montana 59624

Street Address: 303 North Ewing

Phone: (406) 442-9520 * Fax: (406) 442-9524

E-mail: mdp@montanademocrats.org * Web: www.montanademocrats.org

February 25, 2008

COPY

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COMMISSIONER OF
POLITICAL PRACTICES

2008 FEB 26 PM 4:33

HAND DELIVERED

Commissioner Dennis Unsworth
Montana Office of Political Practices
1205 Eighth Avenue
Helena, MT 59602

The Montana Democratic Party is refiling a complaint stating that Steve Daines has engaged in a pattern of misconduct, illegality, and violation of the letter and spirit of Montana campaign finance laws.

The attached complaint (filed on June 7, 2007) was previously dismissed by your office on the grounds that Mr. Daines was not a candidate for elected office in Montana and that there was no evidence indicating Mr. Daines planned to be a candidate. However, just 8 months after the incident, Mr. Daines has now announced his intention to run for Lt. Governor on the Republican ticket with Roy Brown. Therefore, the 2007 complaint is ripe and requires further evaluation.

In 2007 Mr. Daines used personal funds and contributions from an undisclosed source to run a smear campaign against the Governor, all while denying that he had any political ambitions of his own. While masked as a non-profit issue based advertising effort, these ads now appear to have been intentionally designed to promote Mr. Daines throughout the state of Montana and skirt the financial disclosure laws that apply to every political candidate in the state.

Since many of the advertising promotions run by Mr. Daines prominently featured his name, his face, and his voice, it is clear that this advertising activity was deliberately designed to bolster a statewide run for political office in 2008.

As was previously alleged, Mr. Daines has violated Montana law by a) making unreported campaign expenditures to benefit his future run for statewide office while denying that he would seek office, b) illegally coordinating political activity with his future campaign, and c) making unreported lobbying expenditures.

Furthermore, although it is beyond the scope of state law, it is evident that Mr. Daines violated federal law regarding the appropriate use of non-profit status. It should be further noted that he has still refused to report the source of funding for his ad campaign.

Sincerely,

Art Noonan
Executive Director
Montana Democratic Party

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EXHIBIT 11



PO Box 802, Helena, Montana 59624

Street Address: 303 North Ewing
Phone: (406) 442-9520 * Fax: (406) 442-9534
E-mail: mdp@montanademocrats.org * Web: www.montanademocrats.org

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COMMISSIONER OF
POLITICAL PRACTICES

2008 MAR -4 P 4:31

COPY

March 4, 2008

Commissioner Dennis Unsworth
Montana Office of Political Practices
1205 Eighth Avenue
Helena, MT 59602

The Montana Democratic Party is refilling a complaint stating that Steve Daines has engaged in a pattern of misconduct, illegality, and violation of the letter and spirit of Montana campaign finance laws.

We take these allegations seriously and believe our complaint speaks for itself. We appreciate any consideration you give this matter. If you have any questions please don't hesitate to ask.

Sincerely,

Art Noonan
Executive Director
Montana Democratic Party

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THE STATE OF MONTANA

COMMISSIONER OF POLITICAL PRACTICES
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
TELEPHONE: 406-444-2942
FAX NUMBER: 406-444-1643

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2008 MAR - 12 30

HAND DELIVERED ☒

CERTIFIED MAIL ☐

SIGNED/NOTARIZED ☒

CAMPAIGN FINANCE AND PRACTICES

COMPLAINT FORM (07/01)

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR VERIFICATION SIGNATURE

PERSON BRINGING COMPLAINT (COMPLAINANT):

COMPLETE NAME Art Norgan, Montana Democratic Party
COMPLETE MAILING ADDRESS P.O. Box 802
Helena MT 59624
TELEPHONE NUMBERS: WORK 406-442-9520 HOME _____

PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT):

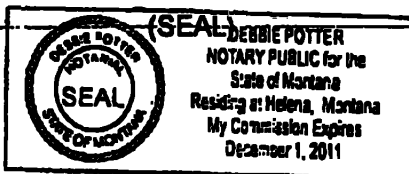
COMPLETE NAME Steve Daines, GiveHock.com
COMPLETE MAILING ADDRESS P.O. Box 10250
Bozeman MT 59719
TELEPHONE NUMBERS: WORK _____ HOME _____

PLEASE COMPLETE THE SECOND PAGE OF THIS FORM AND DESCRIBE IN
DETAIL THE FACTS OF THE ALLEGED VIOLATION.

VERIFICATION BY OATH OR AFFIRMATION

STATE OF MONTANA, COUNTY OF Lewis & Clark

I, Art Norgan, being duly sworn, state that the information in this
Complaint is complete, true, and correct, to the best of my knowledge and belief.



Signature of Complainant

Subscribed and sworn to before me this 4th day of

MARCH 2008

Notary Public

My Commission Expires:

CAMPAIGN FINANCE AND PRACTICES

COMPLAINT FORM

STATEMENT OF FACTS:

This is an amendment to a complaint previously filed by the Montana Democratic Party concerning activity by Steve Daines, the recently declared republican candidate for Lieutenant Governor. This filing will serve to clarify a point of law in the previous filing.

The history behind this complaint is simple and is laid out in the original complaint. Mr. Daines is a businessman from Bozeman who used vast sums of money to run television, radio, internet and other forms of advertising in which he criticized the Governor but also promoted his own face, voice, image and philosophies. The organization Mr. Daines formed for this purpose is called Giveitback.com.

Everything about this organization and its activity indicates that it was designed to help Mr. Daines prepare a run for office by getting Mr. Daines' own name into the press. He maintained a website with detailed information on himself, including biographical data on himself and photographs of his family. He appeared personally in virtually all of the radio and TV advertisements and his photo was (and still is) prominently displayed on the Giveitback.com website. He conducted interviews with newspapers and TV and radio stations around the state. But he said he would "not be a candidate for Governor" and he therefore refused to comply with Montana's campaign finance law. On the theory that he had not formally declared an intention to run for state-wide office, he refused to register his organization and disclose the source of his funds and the nature and amount of his expenditures, as candidates and other political committees are required to do under Chapter 13 part 37 et seq. of the Montana code.

Then, last week, Mr. Daines finally declared his candidacy for Lieutenant Governor, joining Republican Candidate Roy Brown's ticket.

We assume that Mr. Daines believes that since he had not formally filed for office at the time of his Giveitback.com publicity activities, that he was therefore never required to disclose the details of his activity to the Commissioner. Yet the law says otherwise.

Under MCA 13-1-101, a person who has "solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time" is a candidate for office, "whether or not the office for which the individual will seek nomination or election is known" when the activity takes place. (see below for the full text of the statutory section). So, even though Mr. Daines did not overtly state his desire to run for office at the time of his Giveitback.com campaign, his fundraising

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and expenditures must still be disclosed under the important Montana laws that seek transparency for political activity.

Section 13-1-101 is an important provision, because it prevents a scenario in which someone like Mr. Daines raises and spends money to promote himself to the public in a general way, refuses to formally register his activity with the Commissioner of Political Practices by claiming that he is not running for office, ends his publicity campaign and then later makes a formal announcement that he is seeking office. If the law did not prevent such schemes, there would be frequent circumvention of Montana law by individuals seeking to use unregulated or "soft" money to achieve publicity via paid advertising.

As we sought in our previous complaint, Mr. Daines must report all funds raised and expenditures made by him and his Giveitback organization, because his candidacy is connected to those activities under MCA 13-1-101.

STATUTE

13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(6) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

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EXHIBIT 12

- Montana Watchdog - <http://montana.watchdog.org> -**Ted Dick hired as executive director for Montana Democratic Party**Posted By [Phil Drake](#) On November 15, 2010 @ 2:22 pm In [Blog](#) | [No Comments](#)

The Montana Democratic Party appointed Ted Dick to be its new executive director, officials said Monday.

He is expected to begin at the post in December. Executive Director David Benson was reportedly released last week.

"Ted is a fellow I've known for a long time and a man who I have a lot of confidence in because he understands our values of creating jobs, boosting small businesses and standing up for working families and family agriculture — and he puts those values to work," Party Chairman Jim Elliott said in a story posted on the party's website ^[1]. "Ted knows Montana politics. He's worked with the party in previous years and has a proven record in winning legislative races."

Dick headed the Montana Democratic Legislative Campaign Committee in 2004. The party won the governor's office and picked up nine legislative seats that year.

"I'm happy to be part of the team, and I'm eager to help the party move forward," Dick, who is Montana Political Coordinator with the Service Employees International Union Healthcare 775 NW, said Monday in a news release. "We'll be working hard to get Democrats elected." In May, Dick was alleged to be involved with advertisements funded by a group called "Main Street Advocacy."

The group ran radio ads and sent out printed material in several contested primary races that highlight the qualifications of selected candidates. The organization was not registered with the Office of Political Practices, although Dick reportedly approached the office with questions about ad content before the ad campaigns were launched.

Mary Baker, program supervisor for the state Office of Political Practices, said in May that Dick, listed as the treasurer for an SEIU political action committee, brought a draft of ad copy in to her office on two separate occasions before the ads ran.

"He asked...if I would look over a direct mail piece that a non-profit C-4 group wanted to put out," according to notes of her meeting with Dick in April. "He said that they were trying to avoid any express advocacy." Baker said she is not an attorney and does not give consent or advice on the legality of potential ads, but she encouraged him to review the content with an attorney. Main Street Advocacy later refunded \$10,000 to the SEIU after concerns were raised about potential campaign law violations from the ads.

Rep. Mike Miller, R-Helena, who was targeted in some of the ads, filed a complaint with the Political Practices office against Main Street Advocacy. He said Monday he was not surprised the Democratic Party hired Dick.

"I think it will make for an easier integration between the SEIU and the Democrat Party," he said, adding that his complaint was still pending.

Article printed from Montana Watchdog: <http://montana.watchdog.org>

URL to article: <http://montana.watchdog.org/2010/11/15/montana-democratic-party-gets-new-executive-director/>

URLs in this post:

[1] party's website: <http://www.montanademocrats.org/>

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